

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

DIRK D. WAYNE,

Plaintiff(s),

vs.

EDWIN CARTER,

Defendant(s).

Case No. 2:15-cv-01583-GMN-NJK

REPORT AND RECOMMENDATION

On August 18, 2015, the Court denied without prejudice Plaintiff's application to proceed *in forma pauperis*. Docket No. 2. The Court ordered Plaintiff to either pay the filing fee or file a completed application to proceed *in forma pauperis*, no later than September 21, 2015. *See id.* at 2. The Court expressly warned Plaintiff that "[f]ailure to comply with this order will result in a recommendation to the district judge for dismissal." *Id.* Notwithstanding that explicit warning, Plaintiff has not complied.

Accordingly, **IT IS RECOMMENDED** that this action be **DISMISSED** without prejudice.

Dated: February 26, 2016



 NANCY J. KOPPE
 UNITED STATES MAGISTRATE JUDGE

NOTICE

These findings and recommendations are submitted to the United States District Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days after being served with these findings and recommendations, any party may file written objections with the court. Pursuant to

1 Local Rule of Practice (LR) IB 3-2(a), any party wishing to object to the findings and recommendations of
2 a magistrate judge shall file and serve *specific written objections* together with points and authorities in
3 support of those objections, within fourteen days of the date of service of the findings and
4 recommendations. The document should be captioned “Objections to Magistrate Judge’s Findings and
5 Recommendations.” The parties are advised that failure to file objections within the specified time may
6 waive the right to appeal the District Court’s Order. *Martinez v. Ylst*, 951 F.2d 1153 (9th Cir. 1991). The
7 points and authorities filed in support of the specific written objections are subject to the page limitations
8 found in LR 7-4.